

## IC ON THE RECORD



### ODNI Statement on the Limits of Surveillance Activities

June 16, 2013

The statement that a single analyst can eavesdrop on domestic communications without proper legal authorization is incorrect and was not briefed to Congress. Members have been briefed on the implementation of Section 702, that it targets foreigners located overseas for a valid foreign intelligence purpose, and that it cannot be used to target Americans anywhere in the world.

Office of the Director of National Intelligence Public Affairs Office

Via [DNI.gov](http://DNI.gov)

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### Interview with Representative Mike Rogers (R-MI), Representative Dutch Ruppersberger (D-MD), and General Keith Alexander, Director, NSA on the Closed Hearing on the Intelligence Authorization Act for Fiscal Year 2014

June 13, 2013

**GENERAL KEITH ALEXANDER:** I just wanted to make a quick statement then I'll turn it over to Chairman Rogers and Ranking Member Ruppersberger.

**REPORTER:** Get right up there. Sorry, sir.

**GEN. ALEXANDER:** Get even closer? What we wanted to — what we did today is we had a hearing where I had a chance to inform the committee about — more about these programs, our oversight committees.

What we wanted to help them understand, in a classified environment, is what we're doing in these programs, what the impact has been in stopping those dozens of terrorist attacks, what we're doing to review each of those so that we can get more information out to the public so that they can understand the value of these programs in saving American lives, that the information out there about us listening to American phone calls is incorrect — this is a metadata program; these programs are to help us stop terrorist attacks — about the compliance regime that we have and how carefully that is done and overseen by Congress, the administration and the courts and how important this is to our nation.

And finally, we are working with the committees to provide damage assessments, this will be led by the intelligence community, about the damage that these leaks have caused, not only to our agency but to this nation and impact of that and then a path forward. We have pledged to be as transparent as possible in this case and we want to do that.

We want to provide the American people the information. I think it's important that you have that information, but we don't want to risk American lives in doing that. So what we're being is very deliberate in this process so that we don't end up causing a terrorist attack by giving out too much information.

So that's the deliberative process that we've had. I would tell you, I've been working with this committee for the past several years. They are very good about asking all the questions and providing tremendous oversight, as does the court and the administration. This is not a program where we are out freewheeling it. It is a well- overseen, and a very focused program.

What we owe you, the American people, is now, how good is that, with some statistics. And I think when the American people hear that, they're going to stop and say, wait, the information we're getting is incorrect. So I would just tell the American people that — let's take a step back, look at what's going on, the oversight and compliance, and then let's have this discussion.

Now, I have to run to another hearing. Thank you very much, Chairman.

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## Hearing of the Senate Appropriations Committee on Cybersecurity: Preparing for and Responding to the Enduring Threat

June 12, 2013

**Chaired by:** Senator Barbara Mikulski (D-MD)

### Witnesses:

General Keith Alexander, Commander, U.S. Cyber Command, Director of the National Security Agency and Chief of the Central Security Service

Acting Deputy Homeland Security Secretary Rand Beers

Acting Deputy Commerce Secretary Patrick Gallagher, Director of the National Institute of Standards and Technology

Richard McFeely, Executive Assistant Director of the Federal Bureau of Investigation's Criminal, Cyber, Response and Services Branch

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**SENATOR BARBARA MIKULSKI (D-MD):** (Sounds gavel.) This morning — or excuse me, this afternoon, I am opening a hearing on cybersecurity.

We are going to examine the efforts to protect the American people from cyberthreats, to protect our domains of .mil, .gov and .com.

We need make sure that the American people know what our programs are, know what we're spending our money for and also to make sure that we make wise use of taxpayer dollars so that there are no techno boondoggles.

We hope to make sure we know how to help the private sector and to protect .com by real information — real-time information sharing about threats and helping the private sector develop the secure technologies we need.

We need to prevent hackers, nation states and criminals from stealing our cyber identities, cyber espionage, cyber sabotage against our online commerce or our critical infrastructure, track and disrupt the hackers and prosecute them when possible.

I have two goals for this hearing. First, I want to make sure that we protect the American people from cyberthreats by working together across the government to protect, as I said, the domains of .mil, .gov and .com.

Second, I want to examine how agencies will use cybersecurity funding in the budget.

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## Clapper: We have found ways to limit exposure

June 10, 2013

James Clapper, the Director of National Intelligence, joins NBC's Andrea Mitchell to share his reaction to the Snowden leak.

Via [NBC News](#)

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## Intelligence chief: Leaks are 'gut-wrenching'

June 9, 2013

Director of National Intelligence James Clapper told NBC's Andrea Mitchell that the idea officials are "trolling" through citizens' emails is "absurd," and warned that adversaries will learn to circumvent newly leaked counterterrorism tactics.

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## Statement from the ODNI Spokesperson on the Latest Report from The Guardian

June 9, 2013

We have seen the latest report from *The Guardian* that identifies an individual claiming to have disclosed information about highly classified intelligence programs in recent days. Because the matter has been referred to the Department of Justice, we refer you to the Department of Justice for comment on any further specifics of the unauthorized disclosure of classified information by a person with authorized access. The Intelligence Community is currently reviewing the damage that has been done by these recent disclosures. Any person who has a security clearance knows that he or she has an obligation to protect classified information and abide by the law.

Shawn Turner, Director of Public Affairs, Office of the Director of National Intelligence

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## DNI James Clapper Interview with Andrea Mitchell, NBC News Chief Foreign Affairs Correspondent

June 8, 2013

**Andrea Mitchell, NBC News Chief Foreign Affairs Correspondent:** Director Clapper thank you very much for letting us come out here and interview you on the subject of all these leaks and how it has affected American intelligence gathering. Does the Intelligence Community feel besieged by the fact that these Top Secret documents are getting out?

**James R. Clapper, Director of National Intelligence:** Well I think we are very, very concerned about it. For me it is literally, not figuratively, literally, gut-wrenching to see this happen, because of the huge, grave damage it does to our intelligence capabilities. And of course, for me, this is a key tool for preserving and protecting the nation's safety and security. So, every one of us in the Intelligence Community most particularly the great men and women of NSA, are very – are profoundly affected by this.

**Ms. Mitchell:** How has it hurt American intelligence?

**Director Clapper:** Well, while we're having this debate, this discussion, and all this media explosion, which, of course, supports transparency — which is a great thing in this country, but that same transparency has a double edged sword — and that our adversaries, whether nation-state adversaries or nefarious groups — benefit from that transparency. So as we speak, they're going to school and learning how we do this. And so, that's why it potentially has — can render great damage to our intelligence capabilities.

**Ms Mitchell:** At the same time, when Americans woke up and learned because of these leaks that every single telephone call made in the United States, as well as elsewhere, but every call made by these telephone companies that they collect is archived, the numbers, just the numbers and the duration of these calls, people were astounded by that. They had no idea. They felt invaded.

**Director Clapper:** I understand that. But first let me say that I and everyone in the Intelligence Community who are also citizens, who also care very deeply about our privacy and civil liberties, I certainly do. So let me say that at the outset. I think a lot of what people are reading and seeing in the media is hyperbole.

A metaphor I think might be helpful for people to understand this is to think of a huge library with literally millions of volumes of books in it, an electronic library. Seventy of those books are on bookcases in the United States, meaning that the bulk of the world's infrastructure, communications infrastructure, is in the United States. There are no limitations on the customers who can use this library.

Many of millions of innocent people, doing millions of innocent things, use this library, but there are also nefarious people who use it — terrorists, drug cartels, human traffickers, criminals also take advantage of the same technology. So the task for us in the interest of preserving security and preserving civil liberties and privacy, is to be as precise as we possibly can be.

When we go in that library and look for the books that we need to open up and actually read, you think of them, and by the way, all these books are arranged randomly, they are not arranged by subject or topic matters, and they are constantly changing. And so when we go into this library first we have to have a library card, the people that actually do this work, which connotes their training and certification and recertification.

So when we pull out a book, based on its essentially electronic Dewey Decimal System, which is zeros and ones, we have to be very precise about which books we are picking

out, and if it is one that belongs or was put in there by an American citizen or a U.S. person, we are under strict court supervision, and have to get strict, have to get permission to actually look at that.

So the notion that we're trolling through everyone's emails and voyeuristically reading them, or listening to everyone's phone calls is on its face absurd. We couldn't do it even if we wanted to, and I assure you, we don't want to.

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## Facts on the Collection of Intelligence Pursuant to Section 702 of the Foreign Intelligence Surveillance Act

June 8, 2013

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## DNI Statement on the Collection of Intelligence Pursuant to Section 702 of the Foreign Intelligence Surveillance Act

June 8, 2013

Over the last week we have seen reckless disclosures of intelligence community measures used to keep Americans safe. In a rush to publish, media outlets have not given the full context—including the extent to which these programs are overseen by all three branches of government—to these effective tools.

In particular, the surveillance activities published in The Guardian and The Washington Post are lawful and conducted under authorities widely known and discussed, and fully debated and authorized by Congress. Their purpose is to obtain foreign intelligence information, including information necessary to thwart terrorist and cyber attacks against the United States and its allies.

Our ability to discuss these activities is limited by our need to protect intelligence sources and methods. Disclosing information about the specific methods the government uses to collect communications can obviously give our enemies a “playbook” of how to avoid detection. Nonetheless, Section 702 has proven vital to keeping the nation and our allies safe. It continues to be one of our most important tools for the protection of the nation’s security.

However, there are significant misimpressions that have resulted from the recent articles. Not all the inaccuracies can be corrected without further revealing classified information. I have, however, declassified for release the attached details about the recent unauthorized disclosures in hope that it will help dispel some of the myths and add necessary context to what has been published.

James R. Clapper, Director of National Intelligence

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## DNI Statement on Recent Unauthorized Disclosures of Classified Information

June 6, 2013

The highest priority of the Intelligence Community is to work within the constraints of law to collect, analyze and understand information related to potential threats to our national security.

The unauthorized disclosure of a top secret U.S. court document threatens potentially long-lasting and irreversible harm to our ability to identify and respond to the many threats facing our nation.

The article omits key information regarding how a classified intelligence collection program is used to prevent terrorist attacks and the numerous safeguards that protect privacy and civil liberties.

I believe it is important for the American people to understand the limits of this targeted counterterrorism program and the principles that govern its use. In order to provide a more thorough understanding of the program, I have directed that certain information related to the "business records" provision of the Foreign Intelligence Surveillance Act be declassified and immediately released to the public.

The following important facts explain the purpose and limitations of the program:

- The judicial order that was disclosed in the press is used to support a sensitive intelligence collection operation, on which members of Congress have been fully and repeatedly briefed. The classified program has been authorized by all three branches of the Government.
- Although this program has been properly classified, the leak of one order, without any context, has created a misleading impression of how it operates. Accordingly, we have determined to declassify certain limited information about this program.
- The program does not allow the Government to listen in on anyone's phone calls. The information acquired does not include the content of any communications or the identity of any subscriber. The only type of information acquired under the Court's order is telephony metadata, such as telephone numbers dialed and length of calls.
- The collection is broad in scope because more narrow collection would limit our ability to screen for and identify terrorism-related communications. Acquiring this information allows us to make connections related to terrorist activities over time. The FISA Court specifically approved this method of collection as lawful, subject to stringent restrictions.
- The information acquired has been part of an overall strategy to protect the nation from terrorist threats to the United States, as it may assist counterterrorism personnel to discover whether known or suspected terrorists have been in contact with other persons who may be engaged in terrorist activities.
- There is a robust legal regime in place governing all activities conducted pursuant to the Foreign Intelligence Surveillance Act, which ensures that those activities comply with the Constitution and laws and appropriately protect privacy and civil liberties. The program at issue here is conducted under authority granted by Congress and is authorized by the Foreign Intelligence Surveillance Court (FISC). By statute, the Court is empowered to determine the legality of the program.
- By order of the FISC, the Government is prohibited from indiscriminately sifting through the telephony metadata acquired under the program. All information that is acquired under this program is subject to strict, court-imposed restrictions on review and handling. The court only allows the data to be queried when there is a reasonable suspicion, based on specific facts, that the particular basis for the query is associated with a foreign terrorist organization. Only specially cleared counterterrorism personnel specifically trained in the Court-approved procedures may even access the records.
- All information that is acquired under this order is subject to strict restrictions on handling and is overseen by the Department of Justice and the FISA Court. Only a very small fraction of the records are ever reviewed because the vast majority of the data is not responsive to any terrorism-related query.
- The Court reviews the program approximately every 90 days. DOJ conducts rigorous oversight of the handling of the data received to ensure the applicable restrictions are followed. In addition, DOJ and ODNI regularly review the program implementation to ensure it continues to comply with the law.
- The Patriot Act was signed into law in October 2001 and included authority to compel production of business records and other tangible things relevant to an authorized national security investigation with the approval of the FISC. This provision has subsequently been reauthorized over the course of two Administrations – in 2006 and in 2011. It has been an important investigative tool that has been used over the course of two Administrations, with the authorization and oversight of the FISC and the Congress.

Discussing programs like this publicly will have an impact on the behavior of our adversaries and make it more difficult for us to understand their intentions. Surveillance programs like this one are consistently subject to safeguards that are designed to strike the appropriate balance between national security interests and civil liberties and privacy concerns. I believe it is important to address the misleading impression left by the article and to reassure the American people that the Intelligence Community is committed to respecting the civil liberties and privacy of all American citizens.

James R. Clapper, Director of National Intelligence

Via [DNI.gov](#)

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Created at the direction of the President of the United States, [IC ON THE RECORD](#) provides immediate, ongoing and direct access to factual information related to the lawful foreign surveillance activities carried out by the U.S. Intelligence Community.

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